



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	MVK-JCB-2005-530
EVALUATOR:	Joyce Butler
PHONE NO.:	(601) 631-5294
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	October 13, 2005
EXPIRATION DATE:	November 2, 2005

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Louisiana Department of Environmental Quality, Office of Environmental Services are considering an application for a Department of the Army permit and State water quality certification for the work described herein. A water quality certification is required in accordance with statutory authority contained in the LRS 30:2074 A(3) and provisions of the Clean Water Act. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F, at the above address and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, MS 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:

Mr. Richard Bienapfl
Lakes Entertainment
130 Chessire Lane, Suite 101
Minnetonka, Minnesota 55305

Name of Agent:

Ms. W. Anna Schoonover
Solutions, Incorporated
Post Office Box 820127
Vicksburg, Mississippi 39180

Location of Work: Sections 18, 19, and 20, T15N-R3E, latitude North 32°16'19", longitude west 90°55'45", within the Mississippi River drainage basin, Warren County, near Vicksburg, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant. The applicant is applying for a Department of the Army permit to mechanically clear and fill wetlands and other waters of the

United States. The purpose of the project would be for construction of the Lakes Vicksburg Casino Resort. Construction would include concrete pile foundations, asphalt roadways, and parking areas for a casino, hotel, access road, parking garage and overflow parking area. Mississippi state law requires that casinos be located within the ordinary high water of a navigable waterway. The project location was chosen to meet this requirement.

The project site consists of 160 acres, of which approximately 48 acres are wetlands. The upland portion of the site has been used as pasture for many years. Approximately half of the wetlands are wooded and primarily vegetated in black willow, water oak, overcup oak and musclewood. The wooded wetlands occur to the west and north of the project location and would not be impacted by project construction. Wetland soils consist of Commerce silty clay loam and Wakeland silt loam. Wetland hydrology is derived from the connection to Hennessey's Bayou through an unnamed intermittent stream. Hennessey's Bayou is directly connected to the Mississippi River.

Approximately 20 acres of the wetlands would be affected by the construction of the casino/hotel, parking garage, roadways, and a temporary sedimentation basin. The asphalt-paved areas below the casino/hotel and parking garage would impact approximately 6.9 acres of vegetated wetlands. Road construction would impact an additional 4.2 acres of vegetated wetlands and the temporary sedimentation pond would impact 4.9 acres of vegetated wetlands. Following completion of the project, the pond would be graded and revegetated to pre-project conditions. An additional 4 acres of unavoidable incidental impacts due to construction work on the roads is anticipated.

Approximately 130,000 cubic yards of clean commercial fill from an upland source would be required. The fill material would be placed above the foundation pile caps which would be undercut below the natural ground surface. The natural ground elevation would remain the same, but asphalt would be applied to control erosion and provide parking when not experiencing high water. Flood storage would not be adversely affected by the work.

The placement of dredged and/or fill material in wetlands and waters of the United States associated with project construction requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the

applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Warren County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

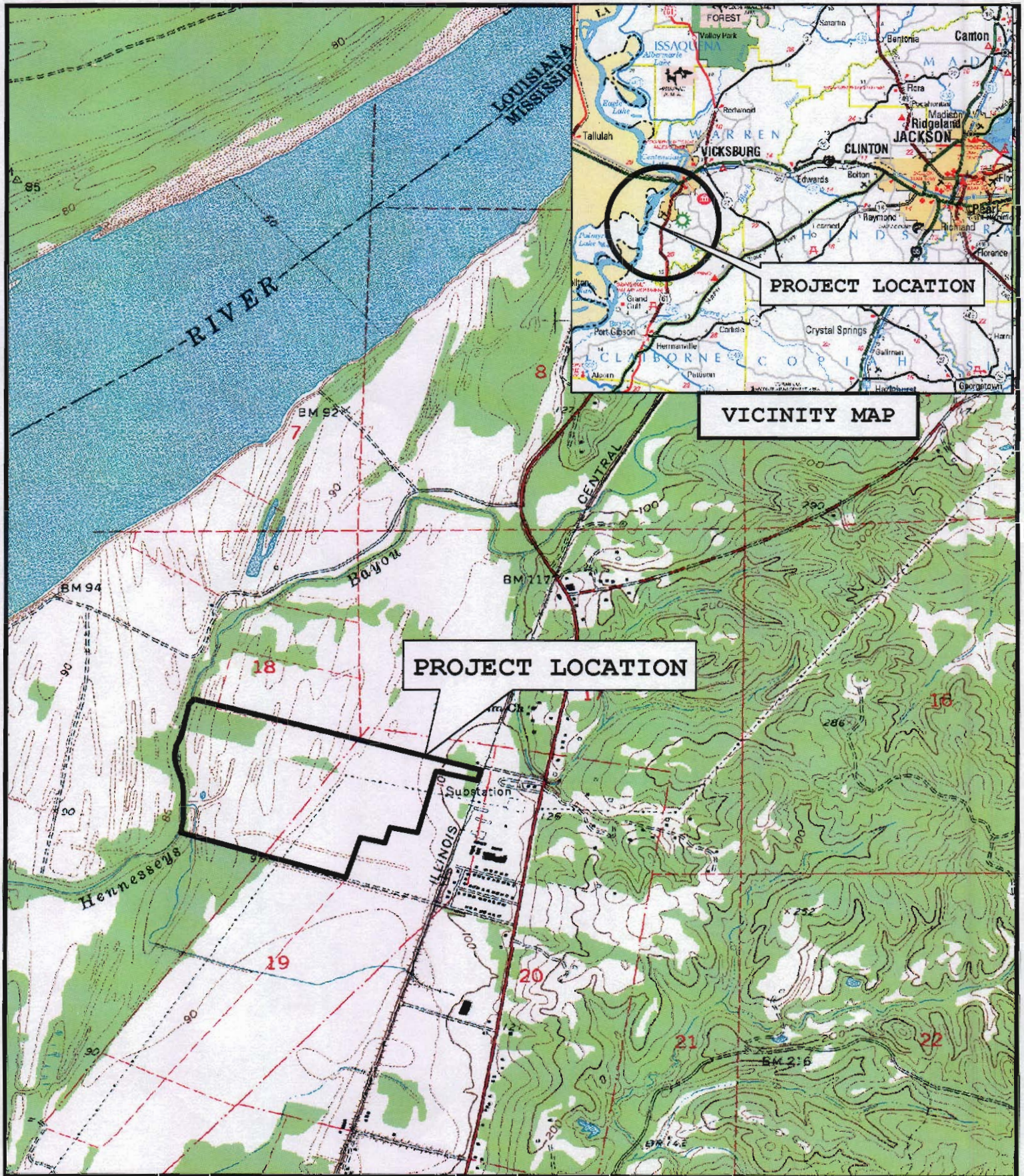
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

W. Harold Lee
Team Leader
Evaluation Section

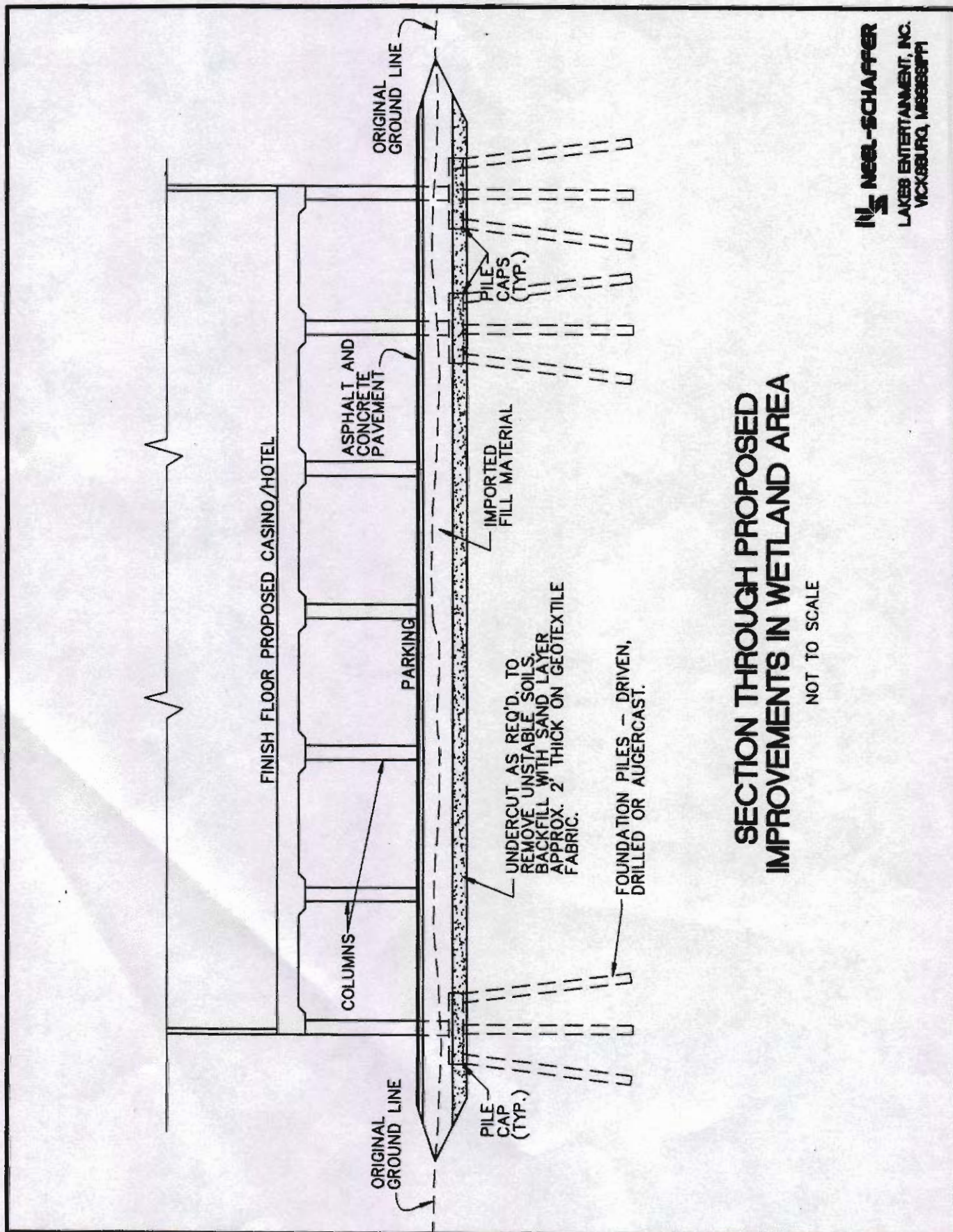
LAKE VICKSBURG CASINO AND RESORT



0 0.25 0.5 1 Miles



CEMVK-0D-FE JCB-MVK-2005-530
LAKE ENTERTAINMENT
RICHARD C. BIENAPFL



SECTION THROUGH PROPOSED IMPROVEMENTS IN WETLAND AREA

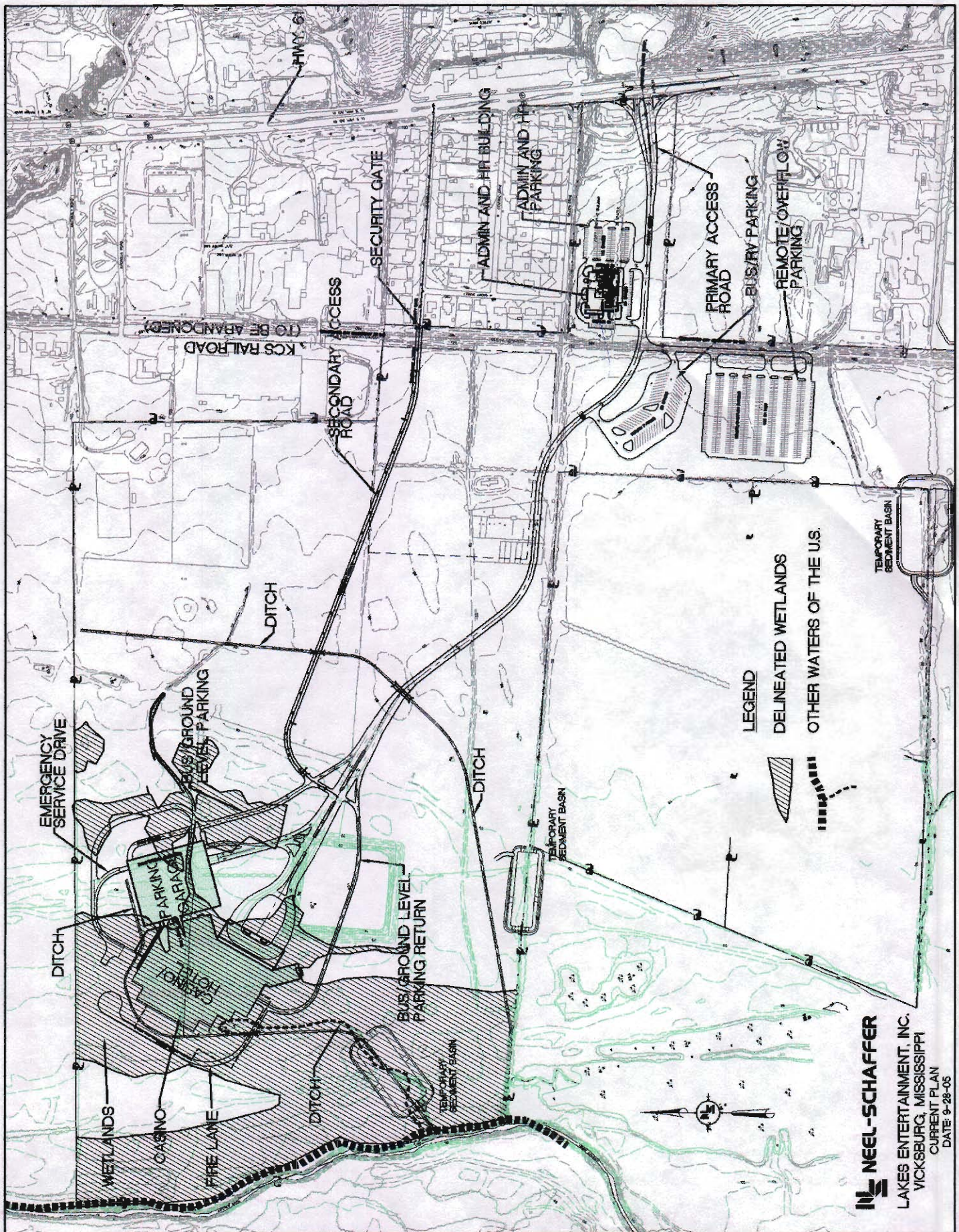
NOT TO SCALE

IN NEAL-SCHAFER
LAKES ENTERTAINMENT, INC.
 VICKSBURG, MISSISSIPPI

10/11/05 10:00 AM

CEMVK-OD-FE JCB-MVK-2005-530

Lakes Entertainment
 Richard C. Bienapfl



NEEL-SCHAFER

LAKES ENTERTAINMENT, INC.

VICKSBURG, MISSISSIPPI

CURRENT PLAN

DATE 9-28-05

CEMVK-OD-FE JCB-MVK-2005-530

Lakes Entertainment
Richard C. Bienapfl